

### REMARKS

In an effort to more clearly define the invention so as to overcome the objections and rejections set forth by the Examiner in the Office Action mailed May 3, 2006, Applicant has presented altered claims 12, 15, 16 and 21. Claims 13, 14, 17, 22, and 23 have not changed. Claims 18, 19, and 20 have been cancelled. Reconsideration of the above-identified patent application is hereby requested.

### **CLAIM OBJECTIONS**

The examiner has objected to claims 12-17 and 21-23 under the appropriate paragraphs of 35 U.S.C. 102 as being unpatentable over U.S. Patent No. 5,454,197 issued to Horrigan. It is axiomatic that for a reference to be anticipatory, each and every feature in the claims must be disclosed by a single reference. Applicant respectfully submits that Horrigan does not anticipate the features present in revised claims 12-23 that facilitate wall penetration of flexible tubing such that the flexible tubing cannot kink inside the wall.

Claims 12 and 21 have been modified to read "said attachment plate (angle) being affixed to one of the first or second sides *laterally adjacent to the first open end* of the elongated sleeve ..." This is an additional structural limitation not present in Horrigan. It requires the mounting plate or angle to be on the side of the open upper end of the sleeve. This is a critical requirement because it is necessary in order to install the device where one end protrudes outside the wall while the other end terminates inside the wall. This is so that flexible tubing can go from outside a wall to the interior of a wall. The Horrigan device is designed such that the mounting device can be mounted anywhere along the body of the sleeve. In

fact, in the Horrigan drawing (FIG 1) the mounting device (14) is approximately in the center of the sleeve. Therefore the sleeve must penetrate the entire wall rather than go from outside the wall to inside the wall cavity. This of course defeats the purpose of the current device.

The examiner has allowed claims 18-20 if they are rewritten in independent form. This has been done with rewritten claim 15 and the now cancelled claims 18,19, and 20. Specifically, independent claim 15 now specifies both of the attachment angles that were formerly in dependent claim 18. Therefore, both the upper and lower attachment angles are now specified in the independent claim. Dependent claims 19 and 20 are cancelled because they are now redundant with claims 16 and 17. Hopefully these modifications should meet the requirements as now specified.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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